

Order under Section 69  
Residential Tenancies Act, 2006

File Number: SOL-68770-16

In the matter of: 146 BURGAR STREET  
WELLAND ON L3B2S8

Between: Kris Marinuk

Landlord

and

Ryan Hogan

Tenant

I hereby certify this is a true copy of an Order

DG

Dated 12/04/2016  
Landlord and Tenant Board

Kris Marinuk (KM) (the 'Landlord') applied for an order to terminate the tenancy and evict Ryan Hogan (RH) (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes (the L1 application).

As well, the Landlord applied for an order to terminate the tenancy and evict the Tenant because the Tenant has been persistently late in paying the Tenant's rent (the L2 application).

These applications were heard in St. Catharines on April 7, 2016. By 12:10 p.m. the Tenant had not attended the hearing, though properly served with the notice of hearing.

**Determinations:**

1. The Tenant has not paid the total rent the Tenant was required to pay for the period from February 1, 2016 to April 30, 2016. Because of the arrears, the Landlord served a Notice of Termination effective February 25, 2016.
2. The Tenant paid \$602.00 after the application was filed.
3. The Tenant has persistently failed to pay the rent on the date it was due as per the N8 Notice of Termination dated March 2, 2016.
4. I have considered all of the disclosed circumstances in accordance with subsection 83(2) of the *Residential Tenancies Act, 2006* (the 'Act'), and find that it would be unfair to grant relief from eviction pursuant to subsection 83(1) of the Act.

**It is ordered that:**

The L1 application

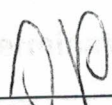
1. Unless the Tenant voids the order as set out below, the tenancy between the Landlord and the Tenant is terminated. The Tenant must move out of the rental unit on or before April 23, 2016.
2. The Tenant shall pay to the Landlord \$80.45\*, which represents the amount of rent owing and compensation up to April 12, 2016.
3. The Tenant shall also pay to the Landlord \$25.15 per day for compensation for the use of the unit starting April 13, 2016 to the date the Tenant moves out of the unit.
4. The Tenant shall also pay to the Landlord \$170.00 for the cost of filing the application.
5. If the Tenant does not pay the Landlord the full amount owing\* on or before April 23, 2016, the Tenant will start to owe interest. This will be simple interest calculated from April 24, 2016 at 2.00% annually on the balance outstanding.
6. If the unit is not vacated on or before April 23, 2016, then starting April 24, 2016, the Landlord may file this order with the Court Enforcement Office (Sheriff) so that the eviction may be enforced.
7. Upon receipt of this order, the Court Enforcement Office (Sheriff) is directed to give vacant possession of the unit to the Landlord, on or after April 24, 2016.
8. If, on or before April 23, 2016, the Tenant pays the amount of \$699.00\*\* to the Landlord or to the Board in trust, this order for eviction will be void. This means that the tenancy would not be terminated and the Tenant could remain in the unit. If this payment is not made in full and on time, the Landlord may file this order with the Court Enforcement Office (Sheriff) so that the eviction may be enforced.
9. The Tenant may make a motion to the Board under subsection 74(11) of the Act to set aside this order if they pay the amount required under that subsection on or after April 24, 2016 but before the Sheriff gives vacant possession to the Landlord. The Tenant is only entitled to make this motion once during the period of the tenancy agreement with the Landlord.

#### The L2 application

1. If the Tenant voids the L1 portion of the order, then the tenancy between the Landlord and the Tenant is terminated as of May 31, 2016. The Tenant must move out of the rental unit on or before May 31, 2016.
2. If the unit is not vacated on or before May 31, 2016, then starting June 1, 2016, the Landlord may file this order with the Court Enforcement Office (Sheriff) so that the eviction may be enforced.

- Schedule 1
3. Upon receipt of this order, the Court Enforcement Office (Sheriff) is directed to give vacant possession of the unit to the Landlord on or after June 1, 2016.

**April 12, 2016**  
**Date Issued**

  
Sean Henry  
Member, Landlord and Tenant Board

Southern-RO  
119 King Street West, 6th Floor  
Hamilton ON L8P4Y7

If you have any questions about this order, call 416-645-8080 or toll free at 1-888-332-3234.

In accordance with section 81 of the Act, the part of this order relating to the eviction expires on October 24, 2016 if the order has not been filed on or before this date with the Court Enforcement Office (Sheriff) that has territorial jurisdiction where the rental unit is located.

- \* Refer to section A on the attached Summary of Calculations.
- \*\* Refer to section B on the attached Summary of Calculations.

**Schedule 1  
SUMMARY OF CALCULATIONS**

File Number: SOL-68770-16

**A. Amount the Tenant must pay if the tenancy is terminated:**

Reasons for amount owing	Period	Amount
Arrears: (up to the termination date in the Notice of Termination)	February 1, 2016 to March 1, 2016	-\$373.85
Less the amount the Tenant paid to the Landlord		-\$602.00
Plus compensation: (from the day after the termination date in the Notice to the date of the order)	March 2, 2016 to April 12, 2016	\$1,056.30
Amount owing to the Landlord on the order date: (total of previous boxes)		<b>\$80.45</b>
Additional costs the Tenant must pay to the Landlord:		\$170.00
Plus daily compensation owing for each day of occupation starting April 13, 2016:		\$25.15 (per day)
<b>Total the Tenant must pay the Landlord if the tenancy is terminated:</b>		<b>\$250.45, + \$25.15 per day starting April 13, 2016</b>

**B. Amount the Tenant must pay to void the eviction order and continue the tenancy:**

Reasons for amount owing	Period	Amount
Arrears:	February 1, 2016 to April 30, 2016	\$1,131.00
Less the amount the Tenant paid to the Landlord		-\$602.00
Additional costs the Tenant must pay to the Landlord:		\$170.00
<b>Total the Tenant must pay to continue the tenancy:</b>	On or before April 23, 2016	<b>\$699.00</b>